

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

OP.No. 12392 of 2002(A)

PETITIONER:

N.RAVEENDRANATHA KAIMAL,
KAUSTHUBHOM HOUSE, PADINJARE NADA,
(WEST GATE), AMBALAPUZHA.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDHYUTHI BHAVAN, THIRUVANANTHAPURAM.
2. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL; MAJOR SECTION, AMBALAPPUZHA.
3. DEPUTY TAHSILDAR(R.R),
AMBALAPUZHA TALUK OFFICE, ALAPPUZHA.
4. HARSHAN, "HARSHIMA" HOUSE,
KOMANA, AMBALAPUZHA.

R1&2 BY ADV. SRI.N.D.PREMACHANDRAN, SC, KSEB
R4 BY ADV. SRI.V.GIRI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 01/02/2007, THE COURT ON 01/02/2007 DELIVERED THE
FOLLOWING:

ORDER ON C.M.P. NO.21141/2002 IN O.P. NO.12392/2002

DISMISSED:

1.2.2007

SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE SALE DEED NO.1353 DT.6.6.92 OF THE SUB REGISTRAR'S OFFICE, AMBALAPPUZHA.

P2: TRUE COPY OF THE R.R. NOTICE ISSUED U/S.7 OF THE R.R. ACT.

P3: TRUE COPY OF THE PETITION DT.27.11.2001 SUBMITTED BY PETITIONER BEFORE R3.

P4: TRUE COPY OF THE CERTIFICATE NO.2188/2001 DT.5.12.2001 ISSUED BY THE VILLAGE OFFICER, AMBALAPPUZHA.

P5: TRUE COPY OF THE CERTIFICATE NO.215/96 DT.5.12.2001 ISSUED BY SECRETARY, AMBALAPPUZHA SOUTH GRAMA PANCHAYAT.

P6: TRUE COPY OF THE PETITION DT.6.12.2001 SUBMITTED BY PETITIONER BEFORE THE ASSISTANT ENGINEER, K.S.E.B., AMBALAPPUZHA.

P7: TRUE COPY OF THE COMPLAINT FILED BY PETITIONER BEFORE THE AMBALAPPUZHA DISTRICT LEGAL SERVICES AUTHORITY.

P8: TRUE COPY OF THE REPRESENTATION DT.31.12.2001 SUBMITTED BY PETITIONER BEFORE THE HON'BLE MINISTER FOR ELECTRICITY.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
O.P. No.12392 of 2002
.....

Dated this the 1st day of February, 2007.

JUDGMENT

The petitioner is challenging arrears of electricity dues sought to be recovered from the petitioner for the period 1998 to 2000. The petitioner sold the property (shop rooms) on 6.6.1992 and according to the petitioner, the same is communicated to KSEB and it is conceded in the counter affidavit by the Electricity Board that sale deed was produced by the petitioner. Obviously and admittedly, lapse is on the part of the KSEB. Recovery has to be made from the consumer who actually consumed power after conducting enquiry. I do not know why supply was not disconnected on default and in which case recovery would have been easier. In any case the demand against the petitioner for the period 1998 to 2000 after six years of sale of property by petitioner is not tenable because KSEB was informed about sale. It is for the Board to proceed for recovery against the actual consumer by taking coercive steps against him including disconnection and if connection is not in the shop, the purchaser/defaulters house connection also can be disconnected after notice to him, if he fails to

clear the arrears. It is for the Board to consider whether recovery could be made from its employees who failed to take note of sale, to identify the consumer and to raise and collect the bills from him. The O.P. is allowed quashing demand against the petitioner.

C.N.RAMACHANDRAN NAIR
Judge

pms